

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CR-00322-F-1
No. 5:16-CV-00590-F

ASHLEY DAIVON McCANTS,)
Petitioner,)
v.)
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

This matter is before the court on Ashley Daivon McCants's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-47]. Having examined McCants's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

McCants asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Sherri Alspaugh with the Office of the Federal Public Defender has been appointed to represent McCants pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015).

SO ORDERED.

This 29 day of June, 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE